

**LUM, DRASCO & POSITAN LLC**  
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## **New Jersey Alimony Reform**

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On September 10, 2014, Governor Christie signed into law the new alimony reform legislation, Bill A845, effective immediately. This legislation enacts significant revisions to N.J.S.A. 2A:34-23, which governs support and maintenance in matrimonial actions. Alimony reform in New Jersey had been “in the works” ever since 2007, when the American Academy of Matrimonial Lawyers (AAML) recommended updating alimony laws around the country. The AAML’s recommendations were predicated upon a need to bring alimony laws out of the proverbial Stone Age and into the modern era.

### **Pending & Future Divorce Matters**

New Jersey’s reformed alimony statute imposes limitations on the duration of alimony based on the length of the marriage. Under the new law, if a marriage lasted less than twenty (20) years, then – absent exceptional circumstances – the maximum term of the alimony obligation may not exceed the length of the marriage. For example, if a party were married for ten (10) years, then that party can expect the maximum term of any alimony awarded to be ten (10) years as well.

Perhaps most significantly, the new law also does away with permanent alimony and introduces the concept of “open durational” alimony in its stead. No longer are the Courts to presume that any alimony obligation will be permanent.

The new alimony law also makes clear that neither party has a greater entitlement to continue the marital standard of living than the other. All too often, the alimony payor’s obligation to maintain the recipient in the former marital lifestyle leads to a significant diminution in the payor’s own lifestyle. The new statute recognizes that, unfortunately, after a divorce there are typically not enough resources to go around to enable both parties to maintain the marital standard of living.

The reforms to the alimony statute are prospective only, and the new alimony law does not change any agreement that parties have already entered into with respect to the amount and duration of alimony to be paid.

### **The Effect of the New Law Where a Judgment or Agreement as to Alimony is in Place**

The new legislation does affect the ability to modify or terminate an existing alimony obligation under certain circumstances. Significant changes have been made to the law with respect to the termination of alimony upon the prospective or actual good faith retirement of the payor. Also, it may now be easier to terminate or suspend the payment of alimony as a result of the recipient spouse’s cohabitation or relationship with a third party.

Additionally, the new legislation provides the Courts with much-needed guidance on determining when it is appropriate to modify the amount or duration of an alimony obligation. The Legislature has instituted a ninety (90) day period after which those seeking a modification of their obligation may first file an application, signaling to the Courts that a change in the payor’s circumstances of ninety (90) days or more may justify such modification.

Whether you are contemplating divorce or are a current alimony payor/recipient, it is important to familiarize yourself with the changes to the alimony law in New Jersey. Our Family & Matrimonial Law team is here to consult with you about the effects the changes to N.J.S.A. 2A:34-23 may have on your case, as well as any other family or matrimonial law related matter.

To consult with one of our attorneys as to how the changes to the alimony law may affect your case, or for information about any other Family and Matrimonial Law matter, please contact Gina M. Sorge, Jessica C. Diamond, or any other member of our Family & Matrimonial Law Team:

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Our Alternative Dispute Resolution team is also experienced in aiding parties who wish to resolve their Family & Matrimonial law matters without the stress and expense of going to court. To inquire about mediation or arbitration services related to Family & Matrimonial Law matters, please contact:

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